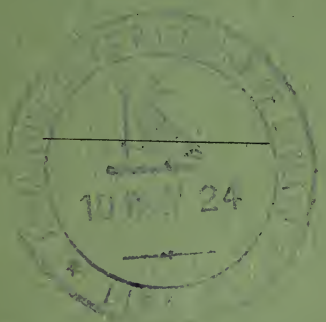
The Policy of the English Poor Law and its Proposed Medical Reform.

BY

MAJOR GREENWOOD, M.D., LL.B., D.P.H.,
Barrister-at-Law.

Hon. Sec. Poor Law Medical Officers Association of England and Wales.



London:

"THE MEDICAL OFFICER,"
36-38, WHITEFRIARS STREET, E.C.

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When I accepted the invitation of your president to give an address on this subject, it was with some diffidence that I approached the duty I had undertaken. I saw at the outset that it was impossible in the time at my disposal to do more than deal with some of the important questions that the proposed reforms give rise to, and, I trust, therefore, the members of this society will pardon my shortcomings in attempting to treat of so great and important a subject in the time permitted at your meetings. I can only hope to put before you some of the views that have occurred to me after a careful consideration of the many points at issue—views which, I believe, are held by other Poor Law reformers, and which at least have the merit of being the result of long experience in practical Poor Law work, accompanied by a fair acquaintance with the general literature of the subject.

As the society I have the honour of addressing is not only a medical society, but claims likewise to represent a section of the sister profession of the law, I trust I shall be excused if I give some attention to legal points in my remarks; perhaps, more than is customary, where the hearers are composed of medical practitioners only. In my opinion the legal aspect of the subject we are dealing with is fully as important as the medical, for the profound social changes threatened cannot be brought about without revolutionizing our present law.

As our Poor Law, gentlemen, is not a mere legal experiment of a few years' standing, simply brought forward on trial to be abandoned when found unsatisfactory, but a real national growth with its foundations based on the roots of our national life, I fear it will be necessary to trouble you with some of our past history, and to take you back to a time when the social condition of England and Wales was very different to the present—when the society of to-day was, as it were, in embryo—as it will only be by such a retrospect that we shall be able to see how and why the present Poor Laws had their beginning, and received the

* Read before the Medico-Legal Society, on Tuesday, May 24th, 1910.

impulses which were destined to cause their development into the system we now find in our midst.

All poor laws, as we have hitherto known them, presuppose a definite conception, which is known to the English law under the term "pauper." This legislation deals primarily with the pauper class of the population, a class which did not always exist, but has come to stay, and is never again likely to be got rid of, unless the course of social development in the future should revolve in a circle and return to the more primitive systems out of which our present civilization has developed. But, it may be urged, there have surely been paupers at all times, though it may be that only in comparatively modern times legal notice has been taken of them. In a sense it is true, but only in a limited one. There have always been "poor persons," and there is no reason to believe that at any past period the sufferings of the lowest class of the poor from want and poverty was less than it is at the present time, but it was only at a comparatively recent period that any necessity arose for a legal recognition of this class.

In primitive times, and under ancient law, the care of this class devolved on the titular heads of families—not on the State. The relation of slave and freedman to the dominus again, relieved the State from the care of the indigent. We find in early Roman law, a freeman overburdened with debt could sell himself into slavery. Feudalism, that followed, more or less undertook the same duties. I think there can be no doubt that in the western world, when, owing to the tenets of Christianity, the slave system received its death-blow, a large pauper class was thereby created, that caused considerable embarrassment to the growing States. This may have been a factor in the development of mediæval feudalism. Under the Anglo-Saxon Kings, we find the institution of "Commendamus," whereby there was a legal obligation put upon every freeman to become attached to some over-lord on pain of being made an outlaw; while under the later feudalism the lord was answerable for those under him, and their necessities had to be provided for by him. So that until the break-up of feudalism the modern pauper could not be said to have come into existence, and if he is to be looked for at that period it must be among outlaws and criminals.

But with the breaking up of feudalism a great change came over society. This was the last step taken by the modern world in that progress from ancient times which Maine describes ("Ancient Law") as being from "status to contract,"—that is, by which the individual gained a freedom up to that time never enjoyed before, but on the other hand, took on a responsibility he had to face himself and could not put upon his lord or master. Such a change, for the nation as a whole, was eminently beneficial, as was shown by the national progress that followed; but now the ancestors of our present paupers began to increase and multiply. The number of men having no lords soon began

to assume large proportions, and the ranks of the indigent to increase, or diminish, according to the state of what we should now call the labour market. As there were then comparatively few trades, and most work was on the land, the chief factor in determining the amount of indigence was the character of the season. When there was a good harvest, food was plentiful, but when it was deficient, famine must have been the lot of many. I think it is generally allowed that feudalism was markedly disintegrating in this country during the early Plantagenets, and pauperism must have become an important State question sooner than it did, had it not been for the fatal checks on population that in those days ravished all classes of Society, but more especially the poor. I mean the terrible epidemics that were so rife in those days, notably the great pestilence known in history as "the Black Death."

As we date the labour question from the time immediately after the Black Death, so I think that is a good epoch from which to trace the rise of modern pauperism. The notorious "Statutes of Labourers" must have had a pauperizing tendency, and from that time, at all events, we can trace the rise of a turbulent section of the proletariat, always ready to break forth in riot and rebellion against the upper classes of the community, no doubt in a measure stimulated thereto by the hardships they were forced to undergo, for which no remedy was attempted by the State. Wat Tyler's rebellion may have been largely due to the fact that the feudal system had broken down; that there were a large number of poor workers scattered throughout the country, who had scant means of subsistence at the best of times, and who, owing to the iniquitous labour laws and the intolerable burdens thrown on labour generally, had starvation staring them in the face on the occurrence of any economic crisis that interfered with the national prosperity. As we know, this outbreak was ruthlessly suppressed, but the social disease continued to spread, and as time went on, more and more to undermine society. We see this by national and local records, pointing to the general insecurity of the roads; the numerous cases of highway robbery; the constant complaint of the number of mendicants infesting public thoroughfares, "sturdy" beggars, who did not scruple to use threats and force where begging was of no avail. No doubt pauperism was an important element in the formation of the various bands of robbers, whose depredations on society are reported in the national and local records from the time of Robin Hood to the highwaymen of more recent times. If the State took no interest in this class of its subjects, it was inevitable that many of its members must be driven along the path of violence and crime.

Looking at the long period that elapsed between the practical breaking up of feudalism and the origin of Poor Laws, and considering the numerous causes at work to manufacture paupers on a large scale, in spite of natural

checks, it seems wonderful that society in general was able to maintain what security it enjoyed. That it was possible, I think, was largely due to the beneficent influence of the National Church of the time; and whatever blame may be cast upon that great organization for interfering with the free development of our political constitution, a large debt is due to it for its social work, in which it acted as a real bulwark of society, and by relieving in some measure the worst evils of poverty and destitution, no doubt modified the violence of that disruptive force in mediæval society, which must necessarily arise in every community where a considerable portion of the same is reduced to desperation and can see no possible redress except by violence. Christianity has always inculcated charity, and the English branch of the Roman Church was never wanting in this respect. In the height of its prosperity it did not forget the poor and destitute, and for centuries it took, in some measure, the place of an organized Poor Law. Great monasteries and other ecclesiastical institutions arose in every corner of the land, which often acted like the present workhouses as a means of relieving the necessities of the destitute wayfarer. In many instances they had hospital wards, and members of their order were often as well qualified to attend to the sick as the regular practitioner of the period.

There has been some question as to the amount of assistance given to the poor by the Church in pre-Reformation times; but although, at the commencement of the Tudor period, there is reason to believe that our ecclesiastical system was much debased by time and wealth, and that much money intended by the donors to relieve the wants of the poor was squandered in an improper manner; still, there can be no doubt that want and destitution was practically dealt with by the Church through the monasteries right up to the time of their dissolution. The best evidence in my opinion that this was so, is, that immediately after the said dissolution, pauperism became a burning question. The Pilgrimage of Grace emphasizes it. That great rebellion against a then popular king, so powerful that our most astute Tudor monarch had to use all his adroitness to counteract it, was probably not the mere outcome of religious fanaticism. No doubt, the peasants of the north preferred their old religion to that which was shortly to follow; but it must not be forgotten that at this time, no practical change of doctrine or ritual had been made, or was in fact contemplated. It was the taking away of those institutions which for generations the poor had been accustomed to look to for relief, that chiefly exercised the public mind. The poor knew very well that neither the king nor royal favourites, who were getting grants of the monastic possessions, were likely to continue the charity of the former possessors, and the outlook from their point of view was desperate in the extreme. The general prosperity of the country when the

first Poor Laws became necessary, again, in my opinion, demonstrates the importance that the monastic system had played in relieving poverty.

With the battle of Bosworth in 1495, a long period of national unquiet was put an end to. With the coming of the Tudor dynasty a settled government was established, which lasted without any serious disturbance for nearly a century and a half. Under these conditions the progress of the country went on more rapidly, and we are told that the middle classes made great strides in prosperity. Under such circumstances the lower classes also greatly benefited, and trade and employment must have much improved. It is surprising, then, to find that in spite of this increased national prosperity we meet with so much evidence of a large and increasing pauper class immediately after the dissolution of the monasteries, unless the said dissolution were one of the prime factors in bringing it to public notice. Our Statute book throws some light on it, and we find particularly during the Tudor period constant enactments against wandering vagrants, "sturdy" beggars, and mendicants. Judging by their severity, there must have been much public feeling against that unfortunate class, and it seems to me a good index of the acute stage the pauper question had arrived at. We are now at the dawn of true Poor Laws, and it is only by a retrospect of the facts of history, which I have somewhat imperfectly attempted to put before you, that it is possible to form any sound opinion as to what was the origin of this kind of legislation in England and Wales.

Blackstone, in his "Commentaries on the Laws of England," rather loosely, in my opinion, speaks of the Poor Laws as being enacted for charitable reasons—in fact, as being a form of public charity. This has been used as an argument to prove that there is an essential similarity between Poor Law relief and charity. Such a parallel seems to me misleading, and however much, owing to the trend of modern civilization, the recipient of Poor Law relief may have been confused with the recipient of charity, I do not think our forefathers had any charitable views when they enacted our earliest Poor Laws. They saw that some legislation of this kind was necessary to protect society, but they did not expect the pauper to feel the same gratitude as the ordinary recipient of charity. This, I think, largely explains the rigor of the early Poor Laws and the spirit in which they were framed—viz., to provide the pauper with no more than was absolutely necessary. In other words, they took the greatest possible care that the pauper, under all circumstances, should be worse off than the poorest individual who maintained himself by his own exertions. This, gentlemen, it must not be forgotten, was one of the principles laid down by the Royal Commission of 1832, and which has met with little consideration at the hands of the late Royal Commission. With legislation founded on such a spirit, it is hardly to be wondered that from the earliest

time the term "pauper" has been one of opprobrium, and it is this inherited feeling from the past that is the great deterrent to applicants for Poor Law relief, far more than the manner such applicants are treated by Poor Law officials.

The earliest direct statutory enactment, whereby parochial taxation was made the vehicle for providing public assistance, was the well-known Statute of Elizabeth, in 1601 (42 Eliz. c. 2) and from that time till the present there has been plenty of legislation on the subject, much of which has been experimental. At the commencement of true Poor Law legislation, there were some interesting legislative experiments, in which a kind of compulsory charity—if I may use the expression—was employed in endeavouring to meet the necessities of the poor. 27 H. VIII. c. 25, was an instance of this. It was ordered that the mayors, sheriffs, constables, householders, and all other head officers of every city, shire, or town, should most charitably receive "poor persons" on the pain of each parish forfeiting 20/-. Special collections were to be made after religious services for the use of the poor, and donations were extorted by religious censures from well-to-do parishioners. Special collectors of these Poor Law "Benevolences" were to be elected and the appointee was to accept office under a penalty of 20/-.

As might be expected, such expedients were a complete failure, and at the beginning of the 17th century our present Poor Law system had its commencement. Our forefathers had little to guide them in their attempts to legislate for the pauper class. Economic errors were frequently perpetrated, and Adam Smith in the 18th century denounced especially the "Law of Settlement," as obstructing the "mobility of labour." Indeed, up to Gilbert's Act (22 Geo. 3, c. 83), the Poor Law machinery was of the crudest character, and the justices of peace throughout the country seem to have been among our earliest relieving officers. Gilbert's Act gave the power to form unions and to build workhouses for common uses, and from that enactment to the present time the Poor Law has been built up partly by statutes and partly by special and general orders issued under statutory authorization.

At this point it is necessary to look closely at what was the tendency of our Poor Law from its start to the present time, what policy it has hitherto followed, and to examine shortly the policy recommended by the most authoritative Poor Law reformers. In the first instance, as I have already indicated, I cannot think there was any policy in the minds of legislators beyond the protection of society generally from the dangers likely to arise if no attention were given to the victims of want and destitution, and that the attitude of the State to the pauper was hardly one of charity.

There has always been in this country a strong feeling of independence, and liking for self-maintenance, and it has always hitherto been looked on as disgraceful to live on the

taxed industry of others. In consequence, the "Principle of Less Eligibility," as Mrs. Sidney Webb calls it, has always been a pronounced feature of our Poor Law system; that is, it has always hitherto appeared good to our legislators, that the lot of the pauper should not be ameliorated over that of the lowest independent labourer. This principle has been consistently followed up to the present time, with certain apparent exceptions to which the Minority Commissioners have drawn special attention. Let us look at this principle of "Less Eligibility." It has been thought—and to many it will seem not without good reason—that if the lot of the State-assisted is to be made better than that of the independent labourer, pauperism must inevitably increase. It is for this reason that hitherto a "test," or "deterrent" has always been considered necessary, and it seems to me difficult to conceive a well-ordered scheme of Poor Law assistance in which there is no test to distinguish between ordinary poverty and that degree of poverty that may fairly claim State help. It must be admitted that hardship does arise in certain cases from the use of any test. Some of the deserving poor are thereby prevented from applying for relief they are entitled to. But it can hardly be contended that this evil is greater and worse for the welfare of the community than the mischief likely to be wrought by the depredations on the industry of the nation by unscrupulous claims on the part of the undeserving, who, in the absence of tests and deterrents, will be only too prone to endeavour to get their livelihood by preying on the resources of their more industrious neighbours. Of two evils we are told to choose the less, and from whatever side we regard the matter, it seems to me a lesser evil that a few deserving poor should suffer than that the nation should experience the disasters likely to arise from indiscriminate Poor Law relief. These disasters are by no means imaginary.

In a petition to Parliament in 1817, it was asserted that in cases where 19/- and 20/- in the £ were paid for Poor Rates, 15/- would be found to be wages paid in the shape of Poor Rates. It is here seen how greatly indiscriminate Poor Law relief might affect the labour market, and there can be no doubt that during the first quarter of the 19th century, largely due to want of any proper test of destitution, and the crude and inefficient machinery that then existed throughout the country for dealing with it, so serious an economic crisis arose, that the Poor Law Commission of 1832 was an absolute necessity. Where relief can be readily obtained from public sources, the recipient will be thereby enabled to accept work at lower rates, and so to undersell independent labourers, and tend to drive them into the pauper ranks. In the recent report of the Royal Commission, evidence was given to show that this takes place occasionally, even now under our present tests, so it is not unreasonable to conclude that in the absence of all tests that evil would be considerably greater.

Owing to an enormous increase in Poor Law expenditure, a Royal Commission was appointed in 1832, and among other eminent men who had seats upon it was Sir Edwin Chadwick, one of the greatest sanitarians of the day. That Commission laid down the following principles:—

(1) That Poor Laws were not for the relief of poverty merely, but for the relief of indigence—*i.e.*, destitution.

(2) That there should be a test to prove that applicants for State assistance belonged to the indigent class.

(3) That the lot of the State-assisted should not be better than that of the independent labourer.

I think these principles are as sound and trustworthy at the present day as when enunciated by this Commission nearly three-quarters of a century ago.

It is contended by the Minority Commissioners that these principles, as a matter of fact, have already broken down, and are practically disregarded in our present system, and it may be as well to examine a little closely these contentions. It cannot be denied that they have some elements of truth; but I hope to be able to show that where there has been a departure from the above-mentioned principles, the step has been retrogressive and subversive of sound Poor Law policy.

Mr. and Mrs. Sidney Webb in their book, "The English Poor Law Policy," claim that there has been a departure from the principles of 1834 in three directions:—

(*a*) In the Principle of National Uniformity.
(*b*) In the Principle of Less Eligibility.
(*c*) The Workhouse System.

In the case of (*a*) they say, "Uniform national treatment is to-day obligatory with regard to one class only of destitute persons, the wayfarers, or vagrants." There is no need to deny that this is true in the main. When we consider the changes that have taken place in the United Kingdom since 1834, and the great differences that exist in local conditions throughout the country, it seems clear that a continuous absolute uniformity in the treatment of the indigent must be impossible. Such necessary changes, however, need not trench very deeply on the fundamental principles I have quoted, but they have been carried beyond that in our present system, and to that extent, I think, the system has degenerated. In any sound Poor Law system the indigent should receive similar, if not the same relief in every part of the land; there should be nothing to make paupers flock to a particular union, because the relief administered in that union is more attractive than in others. In any reform of the present system an attempt should be made to obtain as much uniformity as possible and to get rid of this blot on our present system, which has been amply shown in the Report of the late Royal Commission.

Next, with regard to (*b*), the Principle of Less Eligibility. Except where the present system is abused, I think that this principle has been consistently maintained. It is asserted that our present Poor Law medical relief puts its recipient in a superior position to that of the independent labourer. It is true, when regarded from one aspect only. Materially, it may be, the pauper does gain through the assistance of State funds advantages that the independent labourer must often lack; but, on the other hand, he does so as a pauper, subject to the concomitant disadvantages attached to that condition. It is true, again, that, wisely or unwisely, all disfranchisement for Poor Law medical relief has been abolished, but this was no recommendation of the 1834 Commission, and it is more than doubtful whether they would have approved of it. Surely it is an anomaly that they who have to apply to the State for the necessaries of life, and are unable to earn their own subsistence, should have a voice in the government of the country. If ever a large section of the community were to become dependent on public funds, as is not unlikely if some of the schemes at the present time before us were to be carried out, the welfare of the State would be in jeopardy, indeed!

The "Panem et Circenses" of the dissolving Roman Empire would find its counterpart in the decay of a nation, that in some respects may not unfitly be compared with Imperial Rome. I believe at the present time the only disfranchisement on account of Poor Law relief is in the case of the election of guardians, and in most of the reform recommendations before the country all disfranchisement is to be swept away. If every pauper is to obtain the franchise, the Principle of Less Eligibility is probably doomed. A majority of pauper voters are not likely to vote themselves a position inferior to the independent labourer, and it is not improbable that many of the latter class will find it to their interest to "qualify" for the advantages of paupers by enlisting in their ranks.

(*c*) Lastly, we have the Workhouse System. No part of our present system has been so severely criticized by both parties on the late Royal Commission. The general administration of our mixed workhouses has many defects, requiring amendment, but the objects of the recommendations of 1834 in this particular were—

(1) To find some test to discriminate between the really indigent and those who, wishing to get something for nothing, found it to their interest to pose as such.

(2) To find some remedy for the ruinous expenditure on outdoor relief, which was sapping the industry of the nation.

I cannot help thinking that whatever policy is adopted in reforming our Poor Laws, it will be found quite impossible to abolish our workhouses. If such an attempt be made, in my opinion a state of things would arise similar to what

happened in the decade preceding 1834, when the enormous increase in Poor Law expenditure excited alarm in the minds of all thinking people.

Mr. & Mrs. Sidney Webb say ("Policy of English Poor Law"): "If there is to be a Poor Law, there is no safety except in the principles of 1834." There I agree with them, but I deny that those principles are incapable of extension, so as to be brought more into harmony with the increased humanitarianism of the age. The definition of "destitution," or "ineligibility," has undergone many changes: the ineligibility that could claim public assistance in the Elizabethan age differed from that of the Georgian period, and no doubt at the present time differs from what it was in 1834.

None the less, for any Poor Law system based on sound foundations, there must be *some* definition of the class that is to be entitled to public relief. Poverty, as distinct from destitution, is the proper field for charity. Our public charities of to-day require fully as much reform as our Poor Law, and nothing would be a graver mistake than in reforming the latter to endeavour to make the new system do work properly appertaining to public charity. I am aware that in some influential quarters a spirit has grown up of late years profoundly inimical to charity. This was seen in some of the debates in Parliament that have taken place over the provision of school dinners under the Education Acts. But I cannot help thinking that anything that tends to check or interfere with the impulses of charity is a grave national evil, and that it is a far better policy to relieve ordinary poverty by the voluntary contributions of the well-to-do than to mix it up with the Poor Law and treat it through the compulsory medium of the rates.

Mr. and Mrs. Sidney Webb describe the alteration of the principles of 1834 through the action of the Central Board, as being threefold, and consider they have been revolutionized by:—

(1) The Principle of Curative Treatment.
(2) That of Universal Provision.
(3) By the Principle of Compulsion.

These new principles deserve special attention, especially the first. It has been enlarged upon in the Minority Report, and to the general reader may not unlikely be one of the most attractive features of that most fascinating report. This principle is defined by the authors of "The English Poor Law Policy" as that "of bringing about in the applicant actual physical and mental improvement, so as to render him positively more fit than if he had abstained from applying for relief," and we are told that it is the direct opposite of the principle of less eligibility. Do the propounders of this so-called *new* principle contend that the Commissioners of 1834 never meant to bring about actual physical or mental improvement in those relieved, so as to make them more fit than if they had abstained from seeking it? Or is the indictment against these Commissioners that, though they tried, they altogether failed? If this

principle is really the antithesis of the less eligibility one, then the Commissioners of 1834 could never have intended to cure the unfortunates who came under the Poor Law at all.

It seems a very extraordinary charge to make. The Poor Law doctor, from the earliest times up to the present, has always attempted curative treatment with more or less success. The mere relief on which so much stress is laid, is, after all, only an attempt at curative treatment, which does not go far enough, and to say that a system which up to the present has only succeeded in giving to most of its patients *mere* relief does not attempt curative treatment, is, in my opinion, simply untrue. To medical men not familiar with the recommendations of the Minority Report, the above distinction would be puzzling in the extreme, and it is only when attention is given to the medical scheme proposed therein that light begins to dawn upon them. The principles of 1834 prevent a patient from going to the doctor early enough. When he applies, he is too far gone for curative treatment. He must be induced to come at once. The State doctor must go out into the highways, if necessary, and fetch him in, or seek him out in the insanitary dwellings that he inhabits. There must be no test of any kind, or deterrent, except just the possibility that the State, by means of a "consistent code," may compel some of them to pay later for what they get at the public expense, if they can be proved to have sufficient means.

It is quite true that none can accuse the Commission of 1834 of inculcating such a principle. One thing may be said of this scheme—that it has gigantic proportions. The vista it opens up to the imagination is immense, for its proposers cannot limit it to a particular section of the community. What class of society does habitually apply for curative treatment at the earliest stage of their disease? Is it only among paupers that the disastrous result of not applying for medical advice at a sufficiently early stage comes under our notice? I am quite sure that neither paupers, nor the poor generally, delight in being treated differently to those better situated than themselves, and to seek unduly to make the poor come to the doctor, even for their own good, would be as much resented by them as it would be if attempted in a higher grade of society. There is another assumption underlying the medical recommendations of the Minority to which attention must be given—the assumption that if all, or the greater part, of the unfortunate cases so pathetically alluded to in their report were to come to the doctor at the earliest possible opportunity for curative treatment, the result contemplated would necessarily be obtained. Imagine the cardiac, the phthisical, and other cases of organic disease, coming to the doctor in the very earliest stage, or even, if the doctor is skilful enough to detect it, at the stage before organic disease has become confirmed. What then? The Minority do not

believe in the "bottle of medicine treatment"—that is exploded.

What is the curative treatment that is to free all these unfortunates, many of them degenerates and the victims of hereditary taint, from disease and render them strong and self-supporting members of the community? A few months' treatment in a sanatorium does not always cure consumption. In most cases it is the environment of the patient that tells, and if he has to return to conditions that, it may be, have had a good deal to do with the origin of his disease, the ultimate outlook is not a promising one. That by early treatment in many cases much good can be done is of course a truism; but it is an assumption based on the slenderest foundations that the probable benefit to be derived from early curative treatment of all classes of the poor would counterbalance the evil to the community from the inquisitorial and pauperizing methods that must necessarily be employed to bring about even a trial of the system recommended.

There is, also, a tacit assumption that all, or a majority of poor persons, would welcome the attempt to deal with their physical disabilities. This, in my opinion, is unwarranted, and such a step would not unlikely be met with the greatest opposition. If every one could look to the State to support him and his family during illness, or treatment, so that his disablement from work made no difference to his dependents, it might be otherwise. Possibly, they who put forward this scheme have in their mind's eye a very different idea of the future of modern society from that they venture to express. They may be dreaming of a social system very different to the present, in which the principle of individualism has become more or less extinct. But, in my opinion, the object of the appointment of the late Royal Commission was to reform our Poor Laws so as to enable them to do better work under the present existing conditions of social life.

Next, as to the Principle of Universal Provision. The examples specially instanced are vaccination, sanitation, education. We are told that this is "the provision by the State of particular services for all who will accept them, irrespective of destitution or inability to provide the services independently." The difficulty in meeting the arguments here advanced are chiefly due to the way in which they are propounded, *i.e.*, to the confusion that is caused by the mixing up of questions of sanitation with those of the Poor Law. The Minority, no doubt, get rid of a great deal of difficulty by boldly proposing to regard all curative treatment of disease as a question of sanitation, which in a certain very wide sense they are. Indeed, there is little connected with our earthly welfare that cannot in some sense be regarded as a question of sanitation. But I prefer—and think I have good grounds for it—to regard sanitary and Poor Law questions from a different standpoint.

Only services which are given to, or even forced upon,

the individual essentially, and directly, for the good of the State, and only secondarily for the individual's good, can properly be regarded as the subject of public sanitation. Because the pauper population, equally with the rest of the community, benefit by them, there is no reason why they should be confused with other services which are directly for the good of the individual, and only indirectly for that of the State. The former services may reasonably be at the expense of the State, and sanitary authorities, when they spend public money freely for that purpose, may be amply justified; but I regard with suspicion the attempt to blend with the work of the sanitary authorities curative treatment of ordinary diseases. I am aware that the sanitary authorities have now power to establish municipal hospitals for any disease, but I disapprove of the legislation that permits it, and I believe that up to the present this power has been seldom exercised. The services of the sanitary authorities have always been given almost, if not entirely, gratuitously, and in the County of London there is no power to recover the cost. It is not so throughout the country generally, but I think there are few instances in which any attempt has been made to recover costs. If the sanitary authorities undertook Poor Law work, is it likely they would follow any other policy? Why should they, if the reason laid down for conferring on them these duties is that Poor Law work is really a form of public sanitation?

One reason for thus mixing up public sanitation with the Poor Law is the pretext that it will get rid of the stigma of pauperism, and will not act as a deterrent in the case of applicants for State aid. The reports of the Royal Commission insist on the rarity in which public relief given by the sanitary authorities has resulted in confirming the pauper habit. As a large number of the recipients of that relief are in a much higher social position than the ordinary applicant for Poor Law relief, this proves very little. But it does prove that a higher class will accept of State relief, when it is given on easy conditions, and without any legal deterrent, such as disfranchisement. To draw from it any argument that there is a moral difference between public relief given by a sanitary and a destitution authority is, I think, quite unsound. The former may for public reasons make its relief more attractive, and salve its conscience for sapping the independence of the individual by the plea that the *salus populi* demands it. It is often hard, too, on a self-respecting person, who would rather pay his own charges, but is practically bound to be morally pauperized through the compulsory powers of the same authority. A pauper, as I understand, is one who is unable to support himself, and to obtain the necessaries of life requires to avail himself of the forced contributions of his fellows. It seems to me immaterial, from a moral point of view, what authority deals with these contributions, whether a sanitary, destitution, or other authority. Whatever juggling there may be with terms, the present applicant for Poor

Law relief, if he gets the same relief in the future from a sanitary authority, will be as much a pauper then as now, and just as subject to the stigma of pauperism. That such a stigma does exist, apart from any test or deterrent, is shown by the fact that many of us refuse to accept all personal State aid gratuitously, and the same feeling crops up in the case of State education. I admit that owing to the offer by the State of free education to the children of all classes of the community, a certain number of worthy persons have put their pride in their pockets and have accepted this provision for their children: not because they are unable to pay for their children's education, but because they have got to believe that as they help to pay the Education Rate they are entitled to avail themselves of State schools, as at law they undoubtedly are. But such reasoning would warrant a moral claim for Poor Law assistance. Indeed, I have often heard poor persons, when refused assistance by the relieving officer, argue that they were asking for no more than their right, seeing that for many years previously they had been paying the poor-rate. But even if a large and, I fear, an increasing number regard the responsibility of educating their children as belonging to the State, there are still many of the lower and upper middle classes who refuse this proffered State education.

Why do they? It is as good and sometimes better than they can themselves afford to provide for their children, not to mention the burden of having to pay for it themselves.

Is it not on account of the stigma of pauperism? Is it not because, being able themselves to pay for the education of their children, they consider themselves pauperized by permitting the State to bear the cost? It may no doubt be argued that this particular service of free education is no more than other public services, such as the provision of public thoroughfares, drainage, public parks, etc., which we all use equally without demur and the cost of which we defray out of the public taxes. But if so, where are we to draw the line? We shall be compelled to provide food and all other necessaries at the public cost to all willing to accept it; for surely there is a stronger analogy between these and public education than between the latter and State sewers and water supply? I cannot help thinking that "the provision by the State of particular services for all" strikes at the root of the self-respect and independence of the individual and tends to weaken desire on his part to strive to maintain himself and family by his own exertions. When it has destroyed that desire, which some may regard as sentimental, it may possibly have got rid of the stigma of pauperism. But, personally, I do not believe in such a policy, and would rather preserve the stigma of pauperism to act as a deterrent against the too-ready acceptance of public assistance and to encourage a healthful spirit of independence in the poor of the nation.

Mr. and Mrs. Sidney Webb say that the trend of legislation has been towards the views they enunciate. It may be

they are right, but it does not follow that this trend of legislation is good and worthy of being followed. We may be obliged to put up with various enactments for certain reasons. It may be impossible to get them repealed, and they may have to be accepted as necessary evils, but we may be permitted to oppose their extension to the utmost of our power.

In my opinion, the trend of some modern legislation has been far from satisfactory, and I cannot help thinking that the legal profession, so far as it is not swayed by political considerations, must have accepted it with misgivings. New principles have been grafted on to our law, which to the eyes of the student must appear more the result of democratic victories at the polls than of advancement of the science of jurisprudence. It may be that it is but an aberration in the swing of the pendulum, that, as in the past, there have been instances of class legislation that cannot be defended, and had necessarily to be reformed. So in the present democratic stage, the class legislation is all the other way. In my opinion, class legislation, whether for the upper or lower classes, is entirely indefensible, and I see no reason for believing that democratic tyranny is better than any other.

I will give some examples of what I consider legislative deterioration of our legal system, brought about by the rising democracy.

The Workmen's Compensation Act of 1897, with its subsequent extensions, has introduced new principles into our law utterly subversive of our legal notions. That these changes are good for the national welfare is at least doubtful, nor do I think that the class that this legislation was specially intended to benefit have gained much advantage thereby. It has caused the question of the unemployed to become more acute by the serious limitation it has thrown on selection in the field of labour, and as a secondary result it has complicated still further the solution of the Poor Law problem. There can be little doubt that retrograde legislation of one kind tends to produce other retrograde legislation, and for this reason it is very necessary to regard with the utmost caution the legislative proposals of the Minority Commissioners.

As another instance of retrograde legislation, I may mention the legislative reversal of the *Taff Vale* decision. It was done on no legal principle whatever, and in one important respect has revolutionized the Law of Agency. The *Osborne* decision is now before the country, and it is not vaguely threatened that this shall shortly be annulled in the same way. Then thousands of our countrymen will be compelled to support representatives in Parliament with whose views they have little sympathy.

The Rev. P. S. G. Propert thus alludes to this kind of legislation:—"The policy of 'Labour' has been most successful in shifting its responsibilities on to the shoulders of the community. In 1870 'industry' transferred to the

community the responsibility of educating its children; next, it transferred liability in the case of accident to the employer; in 1905 it secured from the State, through the Unemployed Act, the right to employment under certain conditions; in 1906 the responsibility of feeding children was partly tranferred from the parent to the community; in 1909 'industry' transferred the maintenance of its aged parents to the State through the Pensions Act."

The policy of the Central Authority since 1834, as expounded by Mr. and Mrs. Webb, so far as it is founded on fact, is open to the objections I have urged against retrograde legislation. For *particular* cases, and under *political* pressure, important and long-established legal principles have been lost sight of and ignored.

The legal changes recommended by the Minority Commissioners are equally revolutionary, but they go much further. They recommend the repeal of all Poor Law Statutes except 43 Eliz. c. 2—*i.e.*, a complete break-up of the whole Poor Law. Their scheme abolishes destitution authorities by turning the sanitary and other authorities into destitution authorities, and proposes to get rid of our present classified paupers by concealing them in the ranks of the ordinary poor of the community. Thus, by a general diffusion of the stigma of pauperism, and by putting it on the shoulders of a much larger class, it is hoped to remove it from our social system. No doubt its force as a deterrent would be very considerably lessened in this way, but it might be the means of making many more actual paupers.

Mr. Sidney Webb, in a letter to the *Observer* of March 20th, describes the policy of the Minority Report as one of "enforcing parental responsibility at the price of an increased supervision and increased security of opportunity at the hands of the State." The general policy of the Minority recommendations as opposed to our present system is the abolition of any special class of indigents, the granting a legal right to all poor persons to claim State relief without test, or deterrent, beyond the possibility of the cost of the same being recovered, if the recipient can be proved able to pay. The "increased securing of opportunity" would seem to be a euphemism for a widely extended incentive to all poor persons to get something for nothing. How are parental responsibilities likely to be enforced in this manner? With all respect to Mr. Sidney Webb, I should think that deterioration in parental responsibilities would be the inevitable result.

With regard to the recommendations of the Majority Commissioners, some are justly open to the adverse criticism of the Minority. When Mr. and Mrs. Sidney Webb insist that if the present Poor Law policy is carried out, "the community cannot, without grave financial danger, and still graver danger to character, depart from the principles of 1834" ("English Poor Law Policy"), I quite agree with them, only I go further, and consider these evils are just

what might be expected from the carrying out of their own scheme, or any scheme in which the principles of 1834 are lost sight of. The Majority are at times very inconsistent, and their failings are often pointed out very clearly by the Minority. In the continuance of a separate destitution authority, I think their policy sound, but some of their proposals are as far away from the principles of 1834 as those of the Minority.

There is one other principle that Mr. and Mrs. Webb refer to, and that is the principle of compulsion. This, they say, was well recognized in our early Poor Laws, but was replaced by a policy of *laisser faire* after 1834, but that this principle has shown signs of revival during late years.

There is no good reason, in my opinion, why a Poor Law Authority should not have compulsory powers. It is fully as able to exercise fitly such powers as other authorities. It has been said that it would never do to allow a destitution authority to force a person to continue a pauper, by compelling him to remain in a Poor Law institution. No doubt, powers of compulsion would have to be employed with discretion, but where a member of the community requires support at the hands of the State, whether his poverty is due to his own fault, or misfortune, in return for the assistance given him, he may be reasonably expected to surrender some of his independence. As it is generally conceded that "who pays the piper is entitled to call the tune," so the recipient of State relief should be compelled to accept it on those terms which the authority considers best for his own interest and those of the community at large. Where destitute persons refuse to be removed to a suitable institution, it is as much a sanitary as a Poor Law question, and the power of compulsion should be in the hands of the former.

There now remains one important consideration, and that is what effect will the proposed Poor Law reforms have upon the well-being of the profession of medicine to which we most of us belong. To that question I can only answer that if the medical recommendations either of the Majority or Minority are carried out, it means, in my opinion, disaster for that profession. There are some 5,000 members of the Poor Law Medical Service, if we include the indoor and outdoor, who would be more or less directly affected by the change. But their loss as Poor Law officials would be less than their loss as private practitioners. Even if some profited by the change in their public capacity, they would lose much more in their private, and the latter loss would be shared by nearly all their non-Poor Law professional brethren. It would surprise some, if they knew how many of us rely almost entirely on our poorer patients for a livelihood, and how many more would find their incomes seriously limited, if they depended only on payments received from their better-class patients.

The medical recommendations of either the Majority or

Minority Commissioners, if adopted, point with almost certainty to an enormous increase of gratuitous medical work, that is as far as the patient is concerned, and it will be little consolation to the injured practitioner that a unified medical service, even if adequately paid, is attending, at the cost of the State, patients who under the old system used to furnish the chief source of his income. Again, if a huge system of so-called provident dispensaries is inaugurated, little advantage will accrue to the practitioner by the enlisting of most of his poorer private patients in such institutions, and I am strongly of opinion that the net payments of these dispensary patients will in the aggregate be much less than is now paid by the poorer classes for their medical attendance.

I am aware that there is a scheme of invalidity insurance in he air, and no doubt this is a factor which might further very profoundly affect the question if any medical insurance were included in it, but taking into consideration the probable opposition of the friendly societies of the country, it is at least possible that this insurance might be restricted to furnishing a sick allowance, which might be expended as the recipient thought fit. That some such result as I have indicated is more than probable is shown by the words of some of the Commissioners themselves. Miss Octavia Hill, Dr. Downes, and all the Minority Commissioners say that the Majority scheme "opens the door too widely to free medical relief." And this is exactly what the Majority say of the Minority proposals. I think that in this respect the Majority and Minority Commissioners are speaking the strict truth. What I would strongly urge is that, both for the good of the nation and of the medical profession, our efforts should be chiefly directed to a reform, not break-up, of our present system. There is a good deal of truth in the quotation made by the Right Hon. John Burns, in the memorable debate on the Prevention of Destitution Bill, on April 8th last:—

> "For forms of government let fools contest:
> Whate'er is best administered is best!"

The greatest defect in our present Poor Law is its administration. Its substance is sufficiently sound, and as was admitted at the above-mentioned Parliamentary debate, under its working there has been a continual and considerable improvement. Nothing could be worse than to be led astray by the Utopian hopes of some of the Royal Commissioners. Destitution, although it may be mitigated, cannot be prevented. The utmost we can hope is that it may be kept within bounds. What was said by the *Times* in a well-considered leader on April 9th of the present year —"That many of the recommendations of the Royal Commissioners have too much hope about them"—should be carefully considered. "They would depend for their successful working upon a number of assumptions which are justified, or supported by hope, but flatly contradicted

by experience. We must cherish some hope, and some faith, no doubt, but if they are contrary to all knowledge and experience, then to rely on them in the practical affairs of life is not wisdom but folly."

Taking into consideration the fact that during the last 60 years of Poor Law administration, indoor pauperism has dropped from 62 to 26 per 1,000, outdoor from 54 to 16, and child pauperism from 26 to 7 per 1,000 (statement of Mr. John Burns in House of Commons, April 8th, 1910), it seems that little reliance is to be placed on exaggerated denunciations of our present system, and how easy it might be to "go further and fare worse." Nor should it be forgotten that there are other interests, inextricably bound up with our Poor Law, which cannot be settled off-hand by legislation. I allude to our charities. Reform in these should go hand-in-hand with Poor Law reform, and this is much more likely to take place under a well-considered reconstruction of our present Poor Law than by its ruthless breaking-up. Municipalizing of our public charities, and general interference with charity by legislation, in my opinion, would not improve matters, and would be the death blow to much private charity. When the large annual revenue from charitable sources in this country is considered, it does not seem a very unwarrantable conclusion to draw, that if our charities were properly organized and a stop put to the numerous impositions upon them, there would be sufficient to relieve the wants of the merely necessitous at that early period when relief is so desirable in order to prevent them from being reduced to that condition which properly comes under the cognisance of the Poor Law. I am in sympathy with the Rev. P. S. G. Propert, when he says that "our hope of solving the Poor Law problem does not lie in legislation, but in combating the error of municipal and State relief. When higher methods of progress are within our grasp it seems to be little short of insanity to familiarize a whole community with the idea of State relief. Such assistance would not remove the evil, but it would itself become a powerful motive for idleness and would eventually lead to social dissolution."

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THE MEDICAL OFFICER

A Journal for Medical Men in the Government and Municipal Services